



Committee of the Whole Report For the Meeting of May 13, 2021

To: Committee of the Whole **Date:** April 29, 2021

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: Rezoning Application No. 00683 for 975 and 983 Pandora Avenue

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00683 for 975 and 983 Pandora Avenue and that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Minor plan revisions as detailed in concurrent Development Permit with Variances Application No. 000543.
2. Preparation and execution of legal agreements, in a form satisfactory to the City Solicitor, to:
 - a. Secure all of the dwelling units in the building as rental for the greater of 60 years or the life of the building and that rental periods are 30 days or more, to the satisfaction of the Director of Sustainable Planning and Community Development.
 - b. Secure the two-bedroom, two-bedroom plus den, three-bedroom, four-bedroom and five-bedroom units generally in accordance with the Plans dated February 16, 2021, to the satisfaction of the Director of Sustainable Planning and Community Development.
 - c. Restrict strata titling of the building, to the satisfaction of the Director of Sustainable Planning and Community Development.
 - d. Secure the design, supply and installation of the City's Downtown Public Realm Plan and Streetscape Standards (DPRP) (specifically, the 'New Town District'), including furnishings, materials and pedestrian lights along the Vancouver Street and Pandora Avenue frontages, to the satisfaction of the Director of Engineering and Public Works.
 - e. Secure the installation of the protected bike lane improvements adjacent the Vancouver Street frontage, as per the City's *Bicycle Master Plan* to the satisfaction of the Director of Engineering and Public Works.

- f. Secure the design, supply and installation of a stormwater management soil cell infiltration system in the boulevard on Vancouver Street for treatment of road runoff, to the satisfaction of the Director of Engineering and Public Works.
- g. Secure soil cells for all municipal street trees on Vancouver Street, to specifications (including soil volume and depth) to the satisfaction of the Director of Parks, Recreation and Facilities.

LEGISLATIVE AUTHORITY

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures as well as the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

In accordance with Section 482 of the *Local Government Act*, a zoning bylaw may establish different density regulations for a zone, one generally applicable for the zone and the others to apply if certain conditions are met.

In accordance with Section 483 of the *Local Government Act*, Council may enter into a Housing Agreement which may include terms agreed to by the owner regarding the occupancy of the housing units and provided such agreement does not vary the use of the density of the land from that permitted under the zoning bylaw.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 975 and 983 Pandora Avenue. The proposal is to rezone from the CA-43 Zone to a site-specific zone in order to construct a 16-storey mixed use building containing ground level commercial and purpose built rental residential uses above. The Rezoning Application is concurrent with Development Permit (with Variance) Application No. 00543.

The following points were considered in assessing this application:

- the proposal is consistent with the *Official Community Plan, 2012 (OCP) Core Residential Urban Place Designation* in terms of use and density, and the OCP's placemaking and housing policies with regards to the provision of rental housing
- the proposal is generally consistent with the *Downtown Core Area Plan, 2011 (DCAP)* policies for sites within the Residential Mixed-Use District
- as a condition of rezoning, the applicant would provide a Housing Agreement to secure the tenure of all dwelling units as rental, and to restrict the strata titling of the building
- the proposal is exempt from the City's Inclusionary Housing Policy as the residential portion is 100% rental tenure which is being secured through a legal agreement.

BACKGROUND

Description of Proposal

This Rezoning Application is to increase the permitted density from 2:1 to 5.46:1 Floor Space Ratio (FSR). A 16-storey, mixed-use building is proposed with ground-floor commercial-retail uses at grade and residential rental and co-living apartments above.

Differences from the existing CA-43 Zone, Pandora Harris Green District are being proposed, which include increased density and reduced street fronting setbacks, and these would be accommodated in the new zone, since these are in conformance with the relevant guidelines.

The proposal also requests an increase in building height, but since the proposal slightly exceeds the maximum height in the guidelines, this is recommended by staff to be considered by Council as a variance through the concurrent Development Permit with Variance Application so that it does not become an entitlement entrenched in the zoning for the site.

Affordable Housing

The applicant proposes the creation of approximately 121 new market rental residential units which would increase the overall supply of housing in the area. In addition, 54 of these units are being proposed as co-living, with shared kitchen and dining facilities. The following mix of studios, one-bedroom and multi-bedroom units are proposed:

Unit Type	Number of Dwelling Units
One-bedroom	43
Two-bedroom	21
Two-bedroom + den	3
Co-living three-bedroom	4
Co-living four-bedroom	38
Co-living five-bedroom	12
Total	121

Legal agreements are proposed to secure the long term rental tenure (with units being rented for periods of 30 days or more) for the greater of 60 years or the life of the building, restrict strata titling of the building and secure the provision of the two, three, four and five-bedroom units within the building.

The applicant has declined to include the proposal into Schedule N – Residential Rental Tenure of the *Zoning Regulation Bylaw*, but as noted above has agreed to a Housing Agreement.

Tenant Assistance Policy

A tenant assistance plan is not required as there are no existing residential rental units on the subject property.

Active Transportation

The application proposes the following features which support active transportation:

- implementation of the protected bike lane along the Vancouver Street frontage as part of the All Ages and Abilities cycling network.
- 271 long-term and 14 short-term bicycle parking spaces on-site. The provision of long-term bike parking stalls exceeds the requirement by 124 stalls.

Public Realm

The following frontage works are being offered and will be secured in association with the Rezoning Application:

- streetscape improvements to Pandora Avenue and Vancouver Street fronting the development consistent with the *Downtown Public Realm Plan Strategy*
- installation of the protected bike lane improvements adjacent the Vancouver Street frontage, as per the City's *Bicycle Master Plan*
- stormwater management soil cell infiltration system in the boulevard on Vancouver Street for the treatment of road runoff
- soil cells for all municipal street trees on Vancouver Street to specifications (including soil volume and depth).

The applicant has committed to working with the City to achieve these improvements and these would be secured with a Section 219 covenant, registered on the property's title, prior to Council giving final consideration of the proposed Zoning Regulation Bylaw Amendment.

Accessibility

The *British Columbia Building Code* regulates accessibility as it pertains to buildings. The proposed amenity areas on the ground floor and level four are designed to be accessible.

Land Use Context

The area is characterized by a mix of residential, commercial, community service and institution land uses. Immediately adjacent land uses include:

- North: drive-thru restaurant
- South: a recently approved (2019) high-rise, mixed-use building currently under construction with ground-floor commercial and residential above (The Wedge)
- South: across Johnson Street, a high-rise, mixed-use building is under construction with ground-floor commercial-retail fronting Vancouver and Johnson Streets and residential above
- East: across Vancouver Street is a government office building
- West: adjacent to the site is a supervised consumption centre.

Existing Site Development and Development Potential

The site is presently vacant and surrounded with construction fencing.

Under the current CA-43 Zone, Pandora Harris Green District Zone, the property could be developed up to a density of 2:1 FSR and with a range of permitted uses including commercial, institutional and mixed-use residential.

Data Table

The following data table compares the proposal with the existing CA-43 Zone, Pandora Harris Green District Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone. The relevant policy guidance is also provided.

Zoning Criteria	Proposal	Existing Zone CA-43	OCP	DCAP
Site area (m ²) – minimum	2043.80	n/a	-	-
Density (Floor Space Ratio) – maximum	5.46:1*	2:1	3 - 5.5:1	3 - 5.5:1
Total floor area (m ²) – maximum	11,155.88*	4087.60	-	-
Height (m) – maximum	47.68*	15.5	-	45
Storeys – maximum	16	n/a	20	-
Site coverage % – maximum	65	n/a	-	-
Setbacks (m) – minimum				
Front (north) – Pandora Avenue	1.50* building 0.00* canopy	3.00	-	0
Rear (south)	3.50	0 – 3.00	-	see Building Separation Guidelines
Interior (west)	0.00	0 – 3.00	-	see Building Separation Guidelines
Flanking Street – Vancouver Street	1.50* building 0.00* canopy	3.00	-	0
Vehicle parking – residential – minimum	102	101		
Vehicle parking – visitor – minimum	12	12		
Vehicle parking – commercial – minimum	6	6		
Bicycle parking – long term – minimum	271	147		
Bicycle parking – short term – minimum	14	14		

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Downtown Residents Association CALUC at a Community Meeting held on October 11, 2018. A letter

dated March 1, 2019 is attached to this report. Revised plans were recently circulated to the CALUC on March 18, 2021. If further correspondence from the CALUC is received it will be forwarded to Council for consideration.

ANALYSIS

Official Community Plan

The subject site is designated as Core Residential in the *Official Community Plan* which envisions multi-unit residential, commercial and mixed-use buildings from three storeys up to approximately 20 storeys and with total floor space ratios (FSR) ranging from a base of 3:1 to a maximum of 5.5:1. The proposal is consistent with the density and uses envisioned in this Urban Place Designation.

The OCP encourages housing supply to accommodate population growth in the Urban Core and a range of housing types, forms and tenures across the City. The proposed development would provide approximately 121 purpose-built market rental dwelling units, secured through a legal agreement. Unit sizes range from approximately 42m² (450 ft²) for one-bed room units to 118m² (1280 ft²) for the five-bed co-living pods.

Downtown Core Area Plan

The subject property is within the Residential Mixed-Use District (RMD) in the *Downtown Core Area Plan*, with applicable policies to encourage multi-residential development appropriate to the context of the neighbourhood. The base density for mixed-use development is 3:1 FSR and a maximum density is 5.5:1 FSR, of which the commercial portion shall not exceed 1:1 FSR. The maximum building height for the site is outlined as 45m. The DCAP built form policies encourage new buildings to complement their surroundings and to provide a positive interface with the public realm. The proposal's consistency with these policies and other applicable design guidelines is discussed in the concurrent Development Permit with Variances Application report.

Density Bonus Policy

The Inclusionary Housing and Community Amenity Policy exempts the proposal from amenity contributions provided the applicant secures all the residential units as rental.

Regulatory Considerations

Building Height

The proposed increase in building height from 15.5m in the current zone to approximately 47.68m is higher than the maximum height of 45m anticipated in the DCAP for this site. Staff are recommending that a height limit of 45m be included in the new zone, consistent with the *Downtown Core Area Plan*, and that Council consider a height variance issued through Development Permit with Variance Application No. 000543. This would ensure that any additional height given above the maximum specified in the DCAP does not become an entitlement in the zoning and that if for any reason this proposal was not constructed, future approvals would require Council's consideration of this increase in height.

Tree Preservation Bylaw and Urban Forest Master Plan

The goals of the *Urban Forest Master Plan* include protecting, enhancing, and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighbourhoods.

There are currently no trees on the subject properties. On the municipal frontages, three cherry trees on Pandora Avenue and four trees on Vancouver Street, two maple and two cherry, are proposed to be removed. Removal of the trees along Vancouver Street would be required to accommodate the road realignment associated with the All Ages and Abilities cycling network and the trees on Pandora Avenue would require removal to accommodate frontage improvements and restoration.

The applicant is proposing to plant are proposed with continuous soil cells beneath the sidewalk to promote healthy growing conditions. On the development site, 22 small-canopy and columnar trees are proposed to be grown in planters.

Tree Impact Summary Table

Tree Status	Total	To be REMOVED	To be PLANTED	Net Change
On-site trees, bylaw protected	0	0	0	0
On-site trees, not bylaw protected	0	0	22	+22
Municipal trees	7	7	8	+1
Neighbouring trees, bylaw protected	0	0	0	0
Neighbouring trees, not bylaw protected	0	0	0	0
Total	7	7	30	+23

Increased Inventory	Annual Maintenance Cost
Street Trees – 1 net new	\$60
Irrigation System	\$400

CONCLUSIONS

The proposal to construct a new 16 storey, mixed-use commercial and residential building at a density of 5.46:1 FSR is consistent with the OCP and DCAP with respect to the proposed land use and density. The creation of approximately 121 market rental units, secured through legal agreement, advances the goals of the OCP with regards to the provision of rental housing. Therefore, it is recommended for Council's consideration that the application move forward to a Public Hearing.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00683 for the property located at 975 and 983 Pandora Avenue.

Respectfully submitted,

Charlotte Wain
Senior Planner – Development Services
Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans received March 12, 2021, deemed February 16, 2021
- Attachment D: Letter from applicant to Mayor and Council dated April 22, 2021
- Attachment E: Letter from applicant in response to ADP and staff comments, dated February 11, 2021
- Attachment F: ADP staff report dated November 10, 2020
- Attachment G: ADP minutes from the meeting of November 25, 2020
- Attachment H: Community Association Land Use Committee Comments dated March 1, 2019
- Attachment I: Pedestrian Wind Assessment dated February 7, 2020
- Attachment J: Transportation Impact Assessment dated October 5, 2020
- Attachment K: Correspondence (Letters received from residents).